

1 JUDGE RICARDO S. MARTINEZ
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

9 COGENT BRAIN, PS,

10 Plaintiff,

11 vs.

12
13 SAFECO INSURANCE COMPANY OF
14 AMERICA, INC., a Washington corporation,
15 and FIRST NATIONAL INSURANCE OF
16 AMERICA, a Washington corporation;
17 LIBERTY MUTUAL FIRE INSURANCE CO.
18 and LIBERTY MUTUAL INSURANCE
19 COMPANY, foreign insurance companies,

20 Defendants.

21 LAWRENCE A. THOMAS, DC, PS, d/b/a
22 CAPITOL HILL CHIROPRACTIC and BC
23 CHIROPRACTIC d/b/a Cooper Chiropractic,

24 Plaintiffs,

25 vs.

26 SAFECO INSURANCE COMPANY OF
AMERICA, INC., a Washington corporation,
and FIRST NATIONAL INSURANCE OF
AMERICA, a Washington corporation;

STIPULATED MOTION AND ORDER FOR
CONSOLIDATION OF RELATED ACTIONS
UNDER FED. R. CIV. P. 42(a)(2) (Cause No.
2:23-cv-00544 RSM) – 1
SLE6892.057/4427789X



1000 SECOND AVENUE, SUITE 2050
SEATTLE, WASHINGTON 98104
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

1 LIBERTY MUTUAL FIRE INSURANCE CO.
 2 and LIBERTY MUTUAL INSURANCE
 3 COMPANY, foreign insurance companies,
 4 Defendants.

5 I. STIPULATION

6 The Plaintiffs, Cogent Brain PS and Lawrence A. Thomas, DC, PS, d/b/a Capitol Hill
 7 Chiropractic and BC Chiropractic d/b/a Cooper Chiropractic (hereinafter “Plaintiffs”) and
 8 Defendants, Safeco Insurance Company of America, Inc., First National Insurance Company
 9 of America (improperly named as First National Insurance of America), Liberty Mutual Fire
 10 Insurance Company, and Liberty Mutual Insurance Company (hereinafter “Defendants”)
 hereby stipulate as follows:

11 1. The cases *Cogent Brain, PS v. Safeco Insurance Company of America, et al.*,
 12 Western District of Washington Cause No. 2:23-cv-00544-RSM, and *Lawrence A. Thomas,*
 13 *DC, PS et al, v. Safeco Insurance Company of America, et al.*, Western District of
 14 Washington Cause No. 2:23-cv-00545-RSL, both involve Class Action Complaints for
 15 Violation of Consumer Protection Act, RCW 19.86 et seq. The cases identified above involve
 16 the same Defendants, the same claims and present the same controlling issues of law.

17 2. While the cases have different plaintiffs, the cases allege identical causes of
 18 action and share common issues of fact and law as to liability and damages. The cases also
 19 involve many of the same witnesses, records, and other documentary evidence. Discovery
 20 served by Plaintiff will be identical in both cases. Consolidating the cases for trial under Fed.
 21 R. Civ. P. 42(a)(1) will promote efficiency and conserve judicial resources.

22 3. Pursuant to LCR 42(a), Plaintiffs and Defendants stipulate that the later filed
 23 lawsuit, *Lawrence A. Thomas, DC, PS et al, v. Safeco Insurance Company of America, et al.*,
 24 Western District of Washington Cause No. 2:23-cv-00545-RSL, shall be consolidated with:
 25 *Cogent Brain, PS v. Safeco Insurance Company of America, et al.*, Western District of

1 Washington Cause No. 2:23-cv-00544-RSM. The parties agree that the caption for the
2 current case: *Cogent Brain, PS v. Safeco Insurance Company of America, et al.*, Western
3 District of Washington Cause No. 2:23-cv-00544-RSM, shall be amended to add the caption
4 for *Lawrence A. Thomas, DC, PS et al, v. Safeco Insurance Company of America, et al.*,
5 Western District of Washington Cause No. 2:23-cv-00545. The parties agree that all future
6 pleadings, motions, briefs, and other papers shall be filed only in *Cogent Brain*, Case No.
7 2:23-cv-00544-RSM.

8 4. Neither *Cogent Brain, PS v. Safeco Insurance Company of America, et al.*,
9 Western District of Washington Cause No. 2:23-cv-00544-RSM nor *Lawrence A. Thomas,*
10 *DC, PS et al, v. Safeco Insurance Company of America, et al.*, Western District of
11 Washington Cause No. 2:23-cv-00545-RSL have been assigned a trial date.

12 5. The parties agree and request that the case schedule for *Cogent Brain, PS v.*
13 *Safeco Insurance Company of America, et al.*, Western District of Washington Cause No.
14 2:23-cv-00544-RSM shall govern this lawsuit.

15 6. The Parties have met and conferred regarding this Stipulation and Proposed
16 Order, as called for in LCR 42(b).

17 7. Each named Plaintiff will continue to represent only the putative class set forth in
18 their respective complaint. The Parties stipulate that consolidation does not give rise to any
19 new affirmative defenses or challenges to standing, adequacy or typicality to represent a class
20 based on the claims or putative class set forth in the other consolidated case.

21
22 DATED May 3, 2023

By s/ Sarah L. Eversole

23 Sarah L. Eversole, WSBA# 36335
24 WILSON SMITH COCHRAN DICKERSON
25 1000 Second Ave., Suite 2050
26 Seattle, WA 98104
206-623-4100 T | 206-623-9273
eversole@wscd.com

1
2 DATED May 3, 2023
3
4
5

By s/ James A. Morsch
James A. Morsch, *Admitted Pro Hac Vice*
SAUL EWING LLP
161 North Clark Street, Suite 4200
Chicago, IL 60601
312-876-7866 P | 312-876-0288 F
jim.morsch@saul.com

6 Attorneys for Defendants
7
8

DATED May 3, 2023
9
10
11
12
13

By s/ Cynthia J. Heidelberg
David E. Breskin
Cynthia J. Heidelberg
BRESKIN JOHNSON & TOWNSEND
1000 Second Ave., Suite 3670
Seattle, WA 98104
dbreskin@bjtlegal.com;
cheidelberg@bjtlegal.com;
admin@bjtlegal.co

14 Attorneys for Plaintiffs
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16
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STIPULATED MOTION AND ORDER FOR
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1000 SECOND AVENUE, SUITE 2050
SEATTLE, WASHINGTON 98104
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

II. ORDER

Based on the foregoing Stipulation, it is hereby ORDERED:

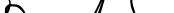
(1) That the later filed case the later filed lawsuit, *Lawrence A. Thomas, DC, PS et al. v. Safeco Insurance Company of America, et al.*, Western District of Washington Cause No. 2:23-cv-00545-RSL, shall be consolidated into case: *Cogent Brain, PS v. Safeco Insurance Company of America, et al.*, Western District of Washington Cause No. 2:23-cv-00544-RSM.

(2) That the caption for the current case Cogent Brain, PS v. Safeco Insurance Company of America, et al., Western District of Washington Cause No. 2:23-cv-00544-RSM, shall be amended to add the caption for Lawrence A. Thomas, DC, PS et al, v. Safeco Insurance Company of America, et al., Western District of Washington Cause No. 2:23-cv-00545.

(3) All future pleadings, motions, briefs, and other papers shall be filed only in Cogent Brain, Case No. 2:23-cv-00544-RSM.

(4) The case schedule for *Cogent Brain, PS v. Safeco Insurance Company of America, et al.*, Western District of Washington Cause No. 2:23-cv-00544-RSM (once issued) shall govern the consolidated lawsuits

DATED this 5th day of May, 2023.


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

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1000 SECOND AVENUE, SUITE 2050
SEATTLE, WASHINGTON 98104
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

1 Presented by:

2 s/ Sarah L. Eversole

3 Sarah L. Eversole, WSBA# 36335
4 WILSON SMITH COCHRAN DICKERSON
5 1000 Second Ave., Suite 2050
6 Seattle, WA 98104
7 206-623-4100 T | 206-623-9273
8 eversole@wscd.com

9 s/ James A. Morsch

10 James A. Morsch, *Admitted Pro Hac Vice*
11 SAUL EWING LLP
12 161 North Clark Street, Suite 4200
13 Chicago, IL 60601
14 312-876-7866 P | 312-876-0288 F
15 jim.morsch@saul.com

16 Attorneys for Defendants

17 s/ Cynthia J. Heidelberg

18 David E. Breskin
19 Cynthia J. Heidelberg
20 BRESKIN JOHNSON & TOWNSEND
21 1000 Second Ave., Suite 3670
22 Seattle, WA 98104
23 dbreskin@bjtlegal.com; cheidelberg@bjtlegal.com;
24 Attorneys for Plaintiffs

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on the date set forth below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

Attorney for Plaintiff

David E. Breskin

Cynthia J. Heidelberg

BRESKIN JOHNSON & TOWNSEND

1000 Second Ave. Suite 3670

1000 Second Ave.,
Seattle WA 98104

dbreskin@bitlegal.com; cheidelberg@bitlegal.com; admin@bitlegal.com

SIGNED this 3rd day of May, 2023, at Seattle, Washington.

s/ Traci Jay

Traci Jay

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WILSON
SMITH
COCHRAN
DICKERSON

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SEATTLE, WASHINGTON 98104
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273